



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

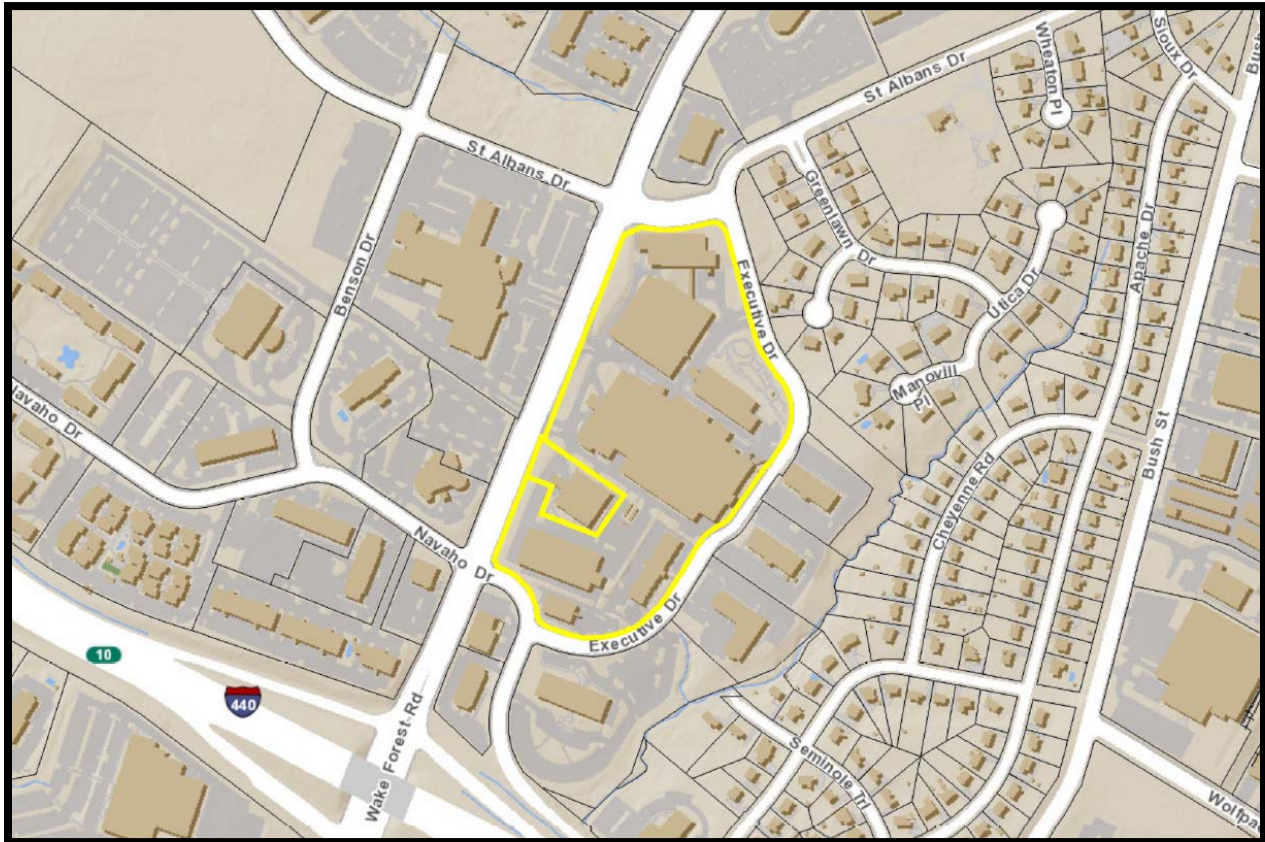
Case File: A-16-17

Property Address: 3300 and 3320 Wake Forest Road

Property Owner: Duke University, Duke University Health System, LLC, Impact Real Estate, LLC and Shanley, LLC

Project Contact: Jake Hughes

Nature of Case: A request for an 8'3" height variance to allow for the construction of an elevator penthouse in excess of the 12' height encroachment allowed above the roof, a 1'10" height variance to allow for the installation of mechanical equipment in excess of the 12' height encroachment allowed above the roof and a 10' variance to allow a stairwell bulkhead to be located at the building edge instead of recessed inward 10' as required by Section 1.5.7.D.3. of the Unified Development Ordinance as well as a 1-story/4'7" increase in the overall building height allowed by Section 3.3.2.A. of the Unified Development Ordinance that results in an elevator penthouse that is 20'3" above the roof and an overall elevator structure height of 79'7", mechanical equipment that is 13'10" above the roof and a stairwell bulkhead located at the building edge on a 16.07 acre site zoned Office Mixed Use-5-Parking Limited Conditional Use and located at 3300 and 3320 Wake Forest Road.



3300 and 3320 Wake Forest Road – Location Map

To BOA: 2-13-17

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Office Mixed-Use-5-Parking Limited Conditional Use

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

- 2/6/17 A-16-17

4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Office Mixed Use-5-Parking Limited

Yard Type	Minimum Setback
Primary Street	5"
Side Street	5'
Side	0' or 6'
Rear	0 or 6'
Alley	5'

D. Height Encroachments

Any height encroachment not specifically listed is expressly prohibited except where the Planning and Development Officer determines that the encroachment is similar to a permitted encroachment listed below.

1. The maximum height limits of the district do not apply to spires, belfries, cupolas, domes, bell towers, monuments, water tanks/towers or other similar structures not intended for human occupancy which, by design or function, must exceed the established height limits.
2. The following accessory structures may exceed the established height limits, except when located within an -AOD, provided they do not exceed the maximum building height by more than 12 feet:
 - a. Chimney, flue or vent stack;
 - b. Unenclosed deck, patio or shade structure;
 - c. Rooftop garden, landscaping;
 - d. Flagpole;
 - e. Parapet wall;
 - f. Rainwater collection or harvesting system; and
 - g. Solar panels, wind turbines.
3. The following accessory structures may exceed the established height limits, except when located within an -AOD, provided they do not exceed the maximum building height by more than 12 feet, do not occupy more than 25% of the roof area and are set back at least 10 feet from the edge of the roof:
 - a. Amateur communications tower;
 - b. Cooling tower;
 - c. Elevator penthouse or bulkhead;
 - d. Greenhouse;
 - e. Mechanical equipment;
 - f. Skylights;
 - g. Elevator or stairway access to roof; and
 - h. Tank designed to hold liquids, except as otherwise permitted.
4. An accessory structure located on the roof must not be used for any purpose

other than a use incidental to the principal use of the building except for telecommunication facilities.

Article 3.3. Height Requirements

Sec. 3.3.1. Applicability

A. Each Mixed Use District must include one of the following height designations. The designation establishes the maximum height in stories and feet for each mixed use district. For example, CX-7 has a maximum height limit of 7 stories or 90 feet.

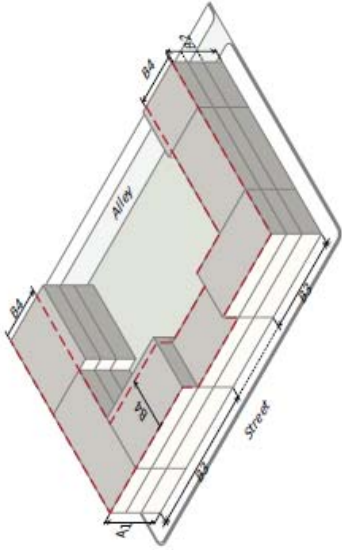
- 3 3 stories / 50 feet max
- 4 4 stories / 62 feet max
- 5 5 stories / 75 feet max
- 7 7 stories / 90 feet max
- 12 12 stories / 150 feet max
- 20 20 stories / 250 feet max
- 40 40 stories / 500 feet max

B. The height requirements apply to apartments, general buildings, mixed use buildings and civic buildings. Maximum heights for detached house, attached house, townhouse and open lot are set forth in Article 3.2. *Base Dimensional Standards.*

C. The minimum height requirements apply only to the Urban Frontages.

The Urban Frontages include the following: Green, Urban Limited, Urban General and Shopfront. Civic buildings are exempt from the minimum height requirements.

Sec. 3.3.2. Building Height Standards



	District	-3	-4	-5	-7	-12	-20	-40
A. Max Height								
A1 Building height (max stories)		3	4	5	7	12	20	40
A1 Building height (max feet)		50'	62'	75'	90'	150'	250'	500'
B. Min Height (Urban Frontages Only)								
B2 Building height (min stories)		n/a	n/a	n/a	2	2	3	3
B3 Street facing facade at min height (min % of lot width)		n/a	n/a	n/a	75%	75%	75%	75%
B4 Depth of min height from front building facade into lot (min)		n/a	n/a	n/a	30'	45'	60'	60'

Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

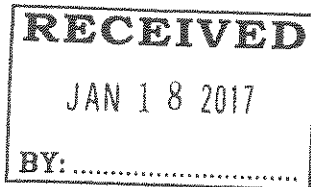
Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet): Minor increase in building height limits and exceptions to rooftop equipment regulations. See specific requests attached.	Transaction Number A-16-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION			
Property Address	and 3320 3300 Wake Forest Road, Raleigh, NC 27609	Date	12/9/16
Property PIN	1715361608/1715268457	Current Zoning	OX-5-PL (CU)
Nearest Intersection	St. Albans Drive	Property size (in acres)	16.07
Property Owner	Duke University	Phone	919-682-3330
		Fax	N/A
Owner's Mailing Address	324 Blackwell St., Suite 950, Durham, NC 27701	Email	scott.selig@duke.edu
Project Contact Person	Jake Hughes	Phone	540-529-7609
		Fax	N/A
Contact Person's Mailing Address	DUMC 3019, Durham, NC 27710	Email	daniel.j.hughes@duke.edu
Property Owner Signature	<i>[Signature]</i>	Email	scott.selig@duke.edu
Notary	Sworn and subscribed before me this <u>18th</u> day of <u>ESTATE</u> <u>December</u> , 20 <u>16</u> <u>December 8</u>	Notary Signature and Seal	<i>[Signature]</i> SHARON MUZIKA ADAMS Notary Public, North Carolina Durham County My Commission Expires July 06, 2018

Nature of Request

#	Item	Standard	Code Ref.	Request	Variance
1	Elevator structure height	Max. 5 stories/75'	3.3.2.A	Max. 6 stories/79'7"	4'7" above standard.
2	Stairwell bulkhead	Min. 10' from roof edge	1.5.7.D.3	At building edge	
3	Elevator penthouse	Max. 12' above max. building height	1.5.7.D.3	20'3" above roof level	8'3" above standard.
4	Mechanical equipment (fans, coils, and filters in a pre-fabricated enclosure)	Max. 12' above max. building height	1.5.7.D.3	13'10" above roof level	1'10" above standard.



Additional Signature Page to Variance Application

The party below does hereby join in requesting those certain variances requested in the attached Application for Variance, dated as of Dec 20, 2016, in connection with certain roof height and rooftop equipment placement and height requirements related to a proposed addition to the existing hospital located at 3300 Wake Forest Road, Raleigh, North Carolina.

IMPACT REAL ESTATE LLC, a North Carolina limited liability company

By: [Signature]
Name: ROBERT G. JONES MD
Title: President

STATE OF North Carolina
COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, and

- ☒ I have personal knowledge of the identity of the principal(s)
☐ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____
☐ A credible witness has sworn to the identity of the principal(s);

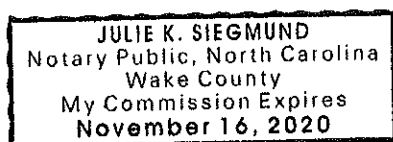
each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Robert G. Jones, MD
[insert name of person signing]

Date: Dec. 20, 2016

[Signature]
Julie K. Siegmund, Notary Public
(print name)

(official seal)

My commission expires: Nov. 16, 2020



RECEIVED

JAN 18 2017

BY:

Additional Signature Page to Variance Application

The party below does hereby join in requesting those certain variances requested in the attached Application for Variance, dated as of Dec. 20, 2014, in connection with certain roof height and rooftop equipment placement and height requirements related to a proposed addition to the existing hospital located at 3300 Wake Forest Road, Raleigh, North Carolina.

SHANLEY LLC, a North Carolina limited liability company

By: William F. Lestini

Name: William F. Lestini MD

Title: OWNER

STATE OF North Carolina
COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, and

- ☒ I have personal knowledge of the identity of the principal(s)
☐ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____
☐ A credible witness has sworn to the identity of the principal(s);

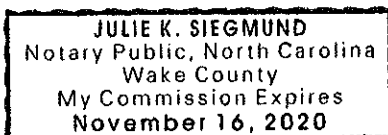
each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: William F. Lestini, MD
[insert name of person signing]

Date: Jan. 11, 2017

Julie K. Siegmund
Julie K. Siegmund, Notary Public
(print name)

(official seal)

My commission expires: Nov. 16, 2020





DukeHealth
Project:
New Inpatient Tower
and Surgery Expansion
3000 Wake Forest Road
Durham, North Carolina 27705

Prepared For:
Duke Raleigh Hospital
Duke University Medical Center
3000 Wake Forest Road
Durham, North Carolina 27705
Duke Raleigh Hospital
3000 Wake Forest Road
Durham, North Carolina 27705

Contract No. 19502-2004



IDA
Institutional Design Associates
2223 Oak Street, NW
Washington, DC 20007-1001
Tel: 202-223-2200
Fax: 202-223-2200

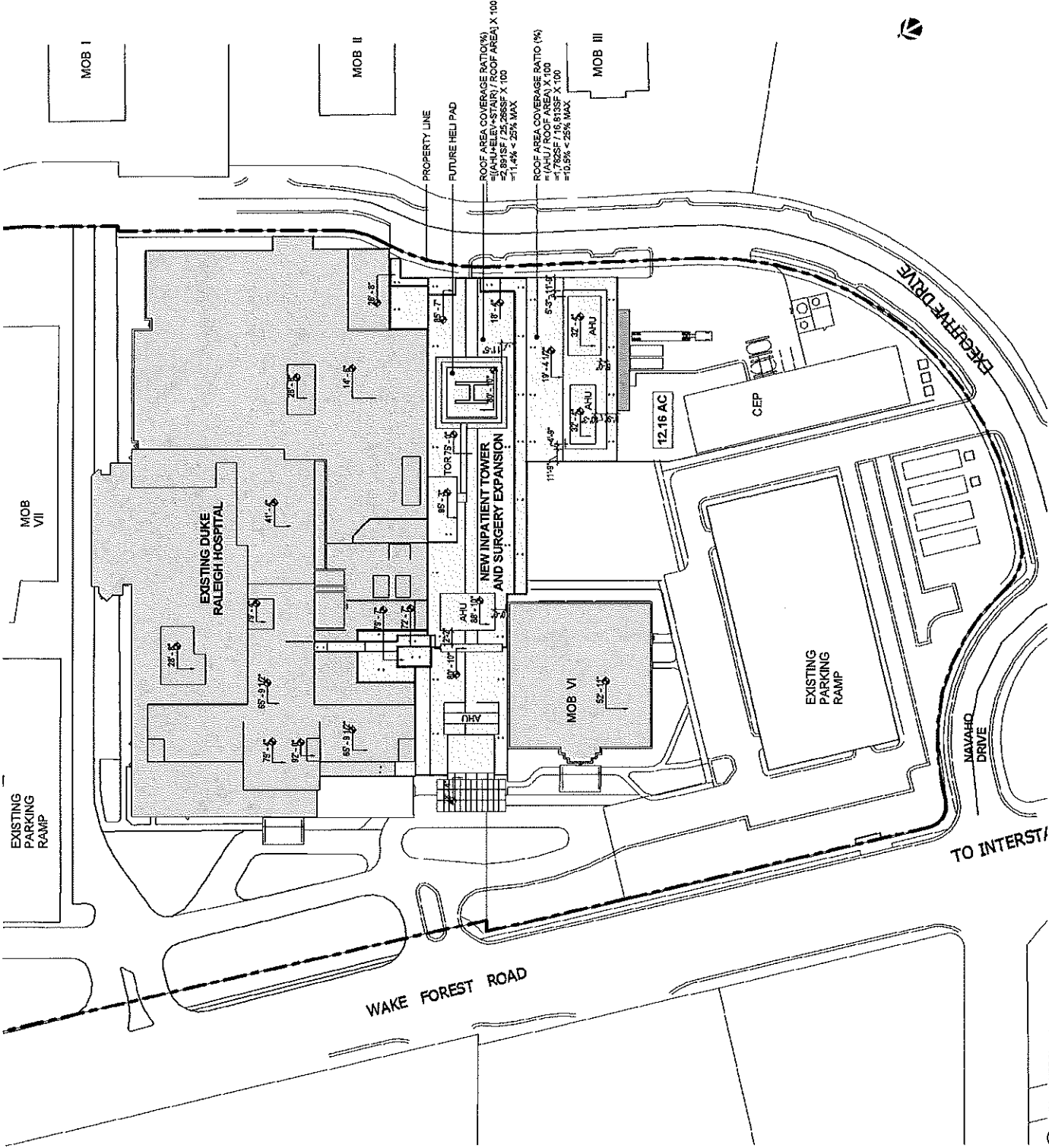
Architect:
Duke University Medical Center
3000 Wake Forest Road
Durham, North Carolina 27705



Civil Engineers
Civil Engineers
1000 North Point Street, Suite 200
Durham, North Carolina 27701
Tel: 919-286-1111
Fax: 919-286-1111



AEI
Associated Engineers, Inc.
1000 North Point Street, Suite 200
Durham, North Carolina 27701
Tel: 919-286-1111
Fax: 919-286-1111



1 OVERALL SITE PLAN 01

Plot Plan - Proposed Property Lines (prior to building permit application)

NOT FOR CONSTRUCTION

HEIGHT LIMIT STUDY

SK301.2



Project
New Inpatient Tower
and Surgery Expansion
3400 West Forest Road
Durham, North Carolina 27709

Prepared For
Duke Raleigh Hospital
Duke University Medical Center & Health
System
2200 West Main Street, Suite 650
Durham, North Carolina 27709
704.286.1000
www.duke.edu

Contract No. 1902-0-2064



Client
Duke University Medical Center & Health
System
2200 West Main Street, Suite 650
Durham, North Carolina 27709
704.286.1000

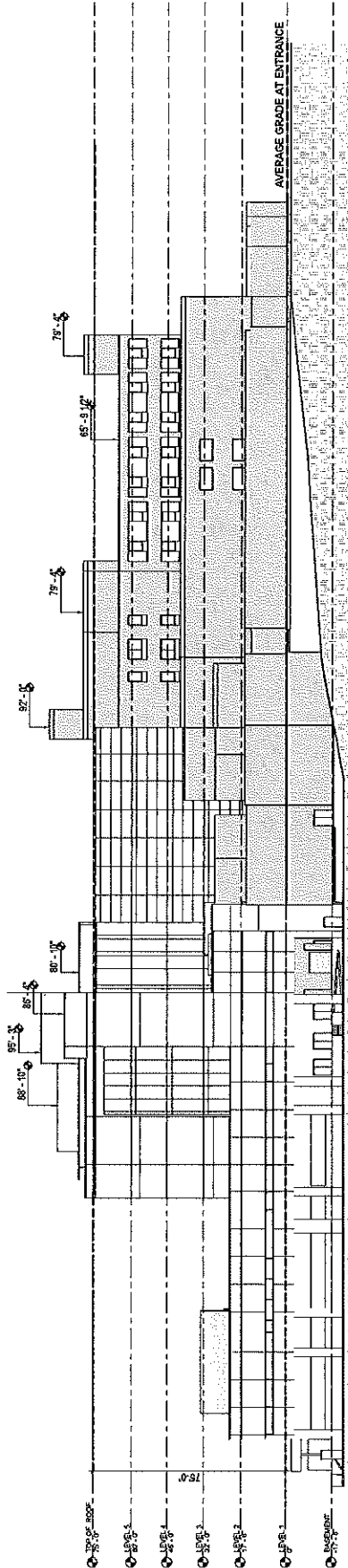
Architect
Duke University Medical Center & Health
System
2200 West Main Street, Suite 650
Durham, North Carolina 27709
704.286.1000



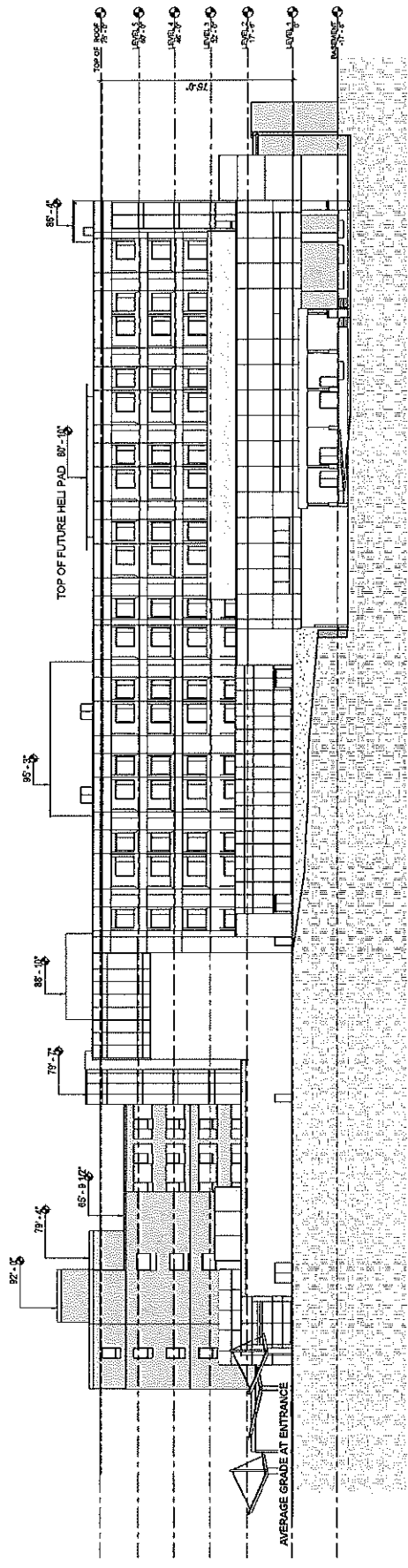
Civil Engineers
Civil-Innovative
1111 East 10th Street, Suite 200
Durham, North Carolina 27709
919.286.1000



AEC Engineers
1111 East 10th Street, Suite 200
Durham, North Carolina 27709
919.286.1000



2 EAST ELEVATION



1 SOUTH ELEVATION

Contract No. 1902-0-2064
Client
Duke University Medical Center & Health
System
2200 West Main Street, Suite 650
Durham, North Carolina 27709
704.286.1000
www.duke.edu

Contract No. 1902-0-2064
Client
Duke University Medical Center & Health
System
2200 West Main Street, Suite 650
Durham, North Carolina 27709
704.286.1000
www.duke.edu

NOT FOR CONSTRUCTION

SK302.1

Adjacent Property Owners

1715361608
DUKE UNIVERSITY
ALTUS GROUP
PO BOX 92129
SOUTHLAKE TX 76092-0102

1715259719
DUKE UNIVERSITY
DUKE UNIVERSITY REAL ESTATE
324 BLACKWELL ST STE 950
DURHAM NC 27701-3764

1715263574
FCPT RESTAURANT PROPERTIES LLC
1000 DARDEN CENTER DR
ORLANDO FL 32837-4032

1715265097
CHAUCER INVESTMENTS LLC
PO BOX 18271
RALEIGH NC 27619-8271

1715265711
FCPT RESTAURANT PROPERTIES LLC
1000 DARDEN CENTER DR
ORLANDO FL 32837-4032

1715268457
SHANLEY LLC
3320 WAKE FOREST RD STE 430
RALEIGH NC 27609-7300

1715268457
DUKE UNIVERSITY
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715268457
DUKE UNIVERSITY
OFFICE OF REAL ESTATE
402 OREGON ST RM 104
DURHAM NC 27705-4720

1715268457
DUKE UNIVERSITY
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715268457
DUKE UNIVERSITY HEALTH SYSTEM INC
C/O OFFICE OF REALISTATE
402 OREGON ST
DURHAM NC 27705-4720

1715268457
DUKE UNIVERSITY HEALTH SYSTEMS INC
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715268457
DUKE UNIVERSITY
OFFICE OF REAL ESTATE
402 OREGON ST RM 104
DURHAM NC 27705-4720

1715268457
IMPACT REAL ESTATE LLC
3320 WAKE FOREST RD STE 120
RALEIGH NC 27609-7300

1715268457
SHANLEY LLC
3320 WAKE FOREST RD STE 430
RALEIGH NC 27609-7300

1715268457
SHANLEY LLC
PO BOX 6246
RALEIGH NC 27628-6246

1715268457
SHANLEY LLC
3320 WAKE FOREST RD STE 430
RALEIGH NC 27609-7300

1715268457
DUKE UNIVERSITY
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715268457
DUKE UNIVERSITY HEALTH SYSTEM INC
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715268457
DUKE UNIVERSITY HEALTH SYSTEM INC
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715275100
FRO II RALEIGH HOTEL OWNER LLC
FORTRESS INV GROUP LLC
1345 AVENUE OF THE AMERICAS FL 46
NEW YORK NY 10105-0302

1715363077
FORSYTH, RICHARD J
3320 EXECUTIVE DR STE 214
RALEIGH NC 27609-7445

1715363077
FORSYTH, RICHARD J
3320 EXECUTIVE DR STE 214
RALEIGH NC 27609-7445

1715363077
DUKE UNIVERSITY ETAL FORSYTH,
RICHARD J
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715363077
DUKE UNIVERSITY
324 BLACKWELL ST STE 950
DURHAM NC 27701-3764

1715363077
DUKE UNIVERSITY
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715363077
F & K PROPERTIES LLC
RALEIGH EYE CENTER
3320 EXECUTIVE DR STE 111
RALEIGH NC 27609-7445

1715363077
F & K PROPERTIES LLC
RALEIGH EYE CENTER
3320 EXECUTIVE DR STE 111
RALEIGH NC 27609-7445

1715363077
WHITNEY, PAMELA J
26 STERLING RUN DR
FLETCHER NC 28732-7800

1715365208
DUKE UNIVERSITY
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715365208
DUKE UNIVERSITY
OFFICE OF REAL ESTATE
402 OREGON ST RM 104
DURHAM NC 27705-4720

1715365208
DUKE UNIVERSITY
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715365208
DUKE UNIVERSITY
324 BLACKWELL ST STE 950
DURHAM NC 27701-3764

1715365208
DUKE UNIVERSITY
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715365208
DUKE UNIVERSITY
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715365208
DUKE UNIVERSITY
324 BLACKWELL ST STE 950
DURHAM NC 27701-3764

1715366530
US FLAGSHIP MOB-EXECUTIVE LLC
2701 COLTSGATE RD STE 300
CHARLOTTE NC 28211-3594

1715366902
DUKE UNIVERSITY HEALTH SYSTEM INC
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715367366
DUKE UNIVERSITY
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715367759
DUKE UNIVERSITY HEALTH SYSTEMS INC
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715374350
DUKE UNIVERSITY
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715375029
DUKE UNIVERSITY HEALTH SYSTEM INC
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715375030
DUKE UNIVERSITY HEALTH SYSTEM INC
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659

1715375240
DUKE UNIVERSITY HEALTH SYSTEM INC
CORPORATE TAX
324 BLACKWELL ST STE 850
DURHAM NC 27701-3659